

Amendments to the Drawings

The attached sheet (one sheet; FIGS. 13-14) of drawings includes changes to FIG. 14. This sheet replaces the original sheet including FIGS. 13-14.

In FIG. 14, previously omitted lead line for element 5 has been added.

Attachment: Replacement Sheet – FIGS. 13-14
 Annotated Sheet Showing Changes – FIGS. 13-14

REMARKS

This responds to the **June 16, 2010** Office Action.

In the Office Action, claims 36-80 are noted as pending in the application, claims 36-44, 47-58 and 60-73 stand rejected, Claims 45, 46 and 59 are objected to and no claims are allowed. Claims 74-80 have been withdrawn from consideration. Reconsideration of the claims in the application in view of the foregoing amendments and the following remarks is respectfully requested.

Applicant appreciates the indication that claims 45, 46 and 59 are objected to but would be allowable if rewritten in independent form. Independent apparatus claim 36 has been amended without prejudice to incorporate the elements of claim 59, and therefore should be allowable. Claim 59 has been canceled.

Independent claim 73 has been amended to recite a decoupling or hinge structure analogous to objected-to claim 59 and therefore should be allowable as well. New claims 81-82 have been added to depend directly or indirectly from independent claim 73, and should also be allowable. New claims 81-82 include elements similar to those in original claims 66 and 67.

New Independent apparatus claim 83 has been added and incorporates structures from claim 45, which claim was previously indicated as being allowable if rewritten in independent form. New claim 83 also incorporates features of former claims 40 and 42 from which original claim 45 depended. New claim 83 recites in part:

"wherein the pressure panel comprises an initiator portion and a control portion, the initiator portion having less resistance to pressure folding forces and configured to provide for folding of the control portion,

"wherein the initiator portion is located adjacent to a portion of the pressure panel furthest from the longitudinal axis,

"wherein said inclined portion is outwardly inclined relative to an interior portion of the container and the initiator portion is outwardly inclined relative to an interior portion of the container at an angle to said orthogonal plane that is at least 10° less than the control portion."

Claim 83 is believed to be patentable over the prior art, taken singly or in combination.

Drawings

Applicant appreciates the indication that the drawings are accepted, and also the notation that the lead line for element 5 in FIG. 14 is missing. A replacement sheet for FIGS. 13-14 in which a lead line is added and an annotated sheet are attached hereto as an Appendix.

Constructive Election

Applicant appreciates the indication of a constructive election and that new claims 74-80 are withdrawn from consideration. In view thereof, these claims are canceled without prejudice to pursuing these claims in a further application or applications, and no implication is being made that these claims are abandoned by their cancellation.

Rejections

Indefiniteness

Claims 38, 39, 47-52, 55, 60, 61, 63, 65-70 and 72 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Regarding claims 38, 39, 47, 51 and 66, "an inverted position" is considered unclear in that no reference is made to the positions of claim 36. These rejected claims have been amended to recite "**the** inverted position", referring back to claim 36.

Claim 55 is rejected as being indefinite as no orientation is set forth in the claim to establish what direction defines a widest or narrowest portion. Claim 55 has been amended to refer to an element being "furthest" and "nearest" to the longitudinal axis previously recited.

Claims 58 and 59 are rejected as being indefinite as lacking an orientation or relation for the side wall in these claims. The elements of claim 59 have been incorporated into claim 36, as discussed more fully above, and claim 36 has been

further amended to recite that the side wall extends from the lower portion of the container to a neck that defines said opening. The basis for the amendment includes the drawings as filed as well as the specification as originally filed, including the text at page 11, lines 28-30, discussing a container with "a typical neck portion 12 and a side wall 9 extending to a lower portion of the side wall 11 and an underneath base portion 2." Therefore, it is believed that amended claim 36 remains definite. As to claim 58, the claim has been amended to refer to a "standing support" and so that "a top load applied to the container is transferred from the base to the standing support." Therefore, it is believed that claim 58 is definite as amended.

Claims 60 and 61 are rejected as being indefinite for the lack of a relationship between projections and an inclined portion, and claim 65 is rejected as being indefinite for the lack of a relationship between flutes and a conical area on the one hand and the inclined portion on the other hand. These claims have been amended so that the inclined portion includes the respective elements as recited. It is believed that claims 60-61 and 65 are definite as amended.

Claim 72 is rejected because of an inconsistency between "inwardly inclined shaped portion" and "inclined portion". Claim 72 has been amended to clarify the terminology.

Claim 63 is rejected for lack of antecedent basis for the upwardly projecting portion. Claim 63 has been amended to correct a typographical error and now recites "inwardly projecting portion".

Other amendments are made to the claims, for example for consistency. Claim 67 is amended and support for the amendment is shown, for example, in FIG. 3 at reference 8. Claim 68 is amended to be more consistent with amended claim 36.

Patentability

Claims 36-44, 47-49, 51-54, 56-58, 60-64, 66 and 70-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiemann et al. '554. Claim 73 is rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as applied to claim 36 above, and further in view of Brown '033. These rejections are respectfully traversed for

the reason that Applicant respectfully disagrees with the characterization of the relevance of the references to the recited claims, and these references can be discussed in more detail at a later time when claims are at issue. However, because the claims as amended have been indicated as being allowable, such a discussion is unnecessary. In any case, the previous claims have been amended without prejudice to pursuing the previous claims as well as other claims at another time.

Reconsideration of the application and claims in view of the foregoing amendments and remarks is respectfully requested. Early notice of allowance thereof is earnestly solicited.

This response is being filed with a Request for Continued Examination and payment for A Three-Month Extension of Time.

The Director is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 50-0655. Please charge any omissions or deficiencies that may be due or credit any overpayments to Deposit Account No. 50-0655.

Respectfully submitted,

Dated: December 16, 2010

/James A Henricks/
James A. Henricks
Registration No. 31,168

HENRICKS, SLAVIN & HOLMES LLP
840 Apollo Street, Suite 200
El Segundo, CA 90245-4737
310-563-1456
310-563-1460 (fax)
jhenricks@hsh-iplaw.com (Email)